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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2011-2**

12 **JEFFREY R. SPRIGGINS**
13 **1048 Explanada, #106**
14 **Corona, CA 91719**

A C C U S A T I O N

15 **Registered Nurse License No. 417007**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about August 31, 1987, the Board of Registered Nursing issued Registered
24 Nurse License Number 417007 to Jeffrey R. Spriggins (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on April 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

1 8. Section 2761 of the Code states:

2 "The board may take disciplinary action against a certified or licensed nurse or deny an
3 application for a certificate or license for any of the following:

4 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

5 "....

6 (f) Conviction of a felony or of any offense substantially related to the qualifications,
7 functions, and duties of a registered nurse, in which event the record of the conviction shall be
8 conclusive evidence thereof.

9 "...."

10 9. Section 2762 of the Code states:

11 "In addition to other acts constituting unprofessional conduct within the meaning of this
12 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
13 chapter to do any of the following:

14 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
15 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
16 administer to another, any controlled substance as defined in Division 10 (commencing with
17 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
18 defined in Section 4022.

19 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
20 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
21 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
22 himself or herself, any other person, or the public or to the extent that such use impairs his or her
23 ability to conduct with safety to the public the practice authorized by his or her license.

24 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
25 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
26 or the possession of, or falsification of a record pertaining to, the substances described in

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1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
2 thereof.

3 "...."

4 10. Section 2765 of the Code states:

5 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
6 charge substantially related to the qualifications, functions and duties of a registered nurse is
7 deemed to be a conviction within the meaning of this article. The board may order the license or
8 certificate suspended or revoked, or may decline to issue a license or certificate, when the time
9 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an
10 order granting probation is made suspending the imposition of sentence, irrespective of a
11 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person
12 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
13 of guilty, or dismissing the accusation, information or indictment."

14 REGULATIONS

15 11. California Code of Regulations, title 16, section 1444, states:

16 "A conviction or act shall be considered to be substantially related to the qualifications,
17 functions or duties of a registered nurse if to a substantial degree it evidences the present or
18 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
19 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

20 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
21 subdivision (d) of Penal Code Section 11160.

22 "(b) Failure to comply with any mandatory reporting requirements.

23 "(c) Theft, dishonesty, fraud, or deceit.

24 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
25 Penal Code."

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1 12. California Code of Regulations, title 16, section 1445 provides:

2 “. . . .

3 “(b) When considering the suspension or revocation of a license on the grounds that a
4 registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such
5 person and his/her eligibility for a license will consider the following criteria:

6 “(1) Nature and severity of the act(s) or offense(s).

7 “(2) Total criminal record.

8 “(3) The time that has elapsed since commission of the act(s) or offense(s).

9 “(4) Whether the licensee has complied with any terms of parole, probation, restitution or
10 any other sanctions lawfully imposed against the licensee.

11 “(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the
12 Penal Code.

13 “(6) Evidence, if any, of rehabilitation submitted by the licensee.”

14 COST RECOVERY

15 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 FIRST CAUSE FOR DISCIPLINE

20 **(October 10, 2008, Conviction for DUI Causing Bodily Injury on November 10, 2007)**

21 14. Respondent is subject to disciplinary action under Code sections 490 and 2761,
22 subdivision (f), on the grounds that he was convicted of a crime that is substantially related to his
23 qualifications, functions and duties as a registered nurse. The circumstances are as follows:

24 a. On October 10, 2008, in a criminal case entitled *The People of the State of California*
25 *v. Jeffrey Randolph Spriggins*, Los Angeles Superior Court case number VA103615, Respondent
26 was convicted by his plea of nolo contendere for violating Vehicle Code section 23153,
27 subdivision (a), driving under the influence of alcohol and drugs causing bodily injury, a second
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1 charge of violation of Vehicle Code section 23153, subdivision (b), driving with a blood alcohol
2 concentration (BAC) .08 percent causing bodily injury was dismissed.

3 b. The facts that led to the conviction are that on November 10, 2007, a California
4 Highway Patrol (CHP) officer responded to a traffic collision on southbound I-5 closest to the
5 intersection of Norwalk Boulevard in Norwalk, California. Respondent was driving his Chrysler
6 the wrong way on southbound I-5 when he hit several vehicles head on and ultimately caused
7 damage to 5 vehicles (including his own vehicle). Respondent's statement to the CHP officer
8 was that he was driving on the 101 freeway from the Santa Monica on ramp in the fast lane, at
9 approximately 65-70 miles per hour. He saw headlights coming toward him very fast and then
10 got hit. The other parties involved in the accident told the CHP officer that they were hit head on
11 by Respondent who was going the wrong way on I-5. The CHP officer noticed that Respondent's
12 eyes were bloodshot, watery and glassy and his speech was slurred and mumbled. Respondent
13 failed the field sobriety tests that were administered to him by the CHP officer and he was
14 arrested.

15 c. As a result of the conviction, Respondent was sentenced to summary probation for
16 5 years, ordered to pay various fines and fees, not to drink and drive and to stay out of places
17 where alcohol is the chief item of sale, submit to chemical/breath test for alcohol or drug when
18 requested by a peace officer, not to drive unless lawfully licensed and insured, serve 5 days in jail
19 with credit for 1 day, complete an AB 541 program, and pay restitution to the victim.

20 SECOND CAUSE FOR DISCIPLINE

21 (Using Alcohol to a Dangerous Extent)

22 15. Respondent's license is subject to discipline under Code section 2762,
23 subdivision (b), in that Respondent used alcohol to an extent dangerous to himself and others as is
24 set forth in paragraph 14, above, which is incorporated by this reference.

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THIRD CAUSE FOR DISCIPLINE

(Criminal Conviction Involving the Consumption of Alcohol)

16. Respondent's license is subject to discipline under Code section 2762, subdivision (c), in that Respondent was convicted of a criminal offense involving the consumption of alcohol as is set forth in paragraph 14, above, which is incorporated by this reference.

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 417007, issued to Jeffrey R. Spriggins;

2. Ordering Jeffrey R. Spriggins to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 7/1/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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